

Initiative Measure No. 509

filed October 10, 2011

SAVE THE 2/3'S VOTE FOR TAX INCREASES AGAIN

COMPLETE TEXT

AN ACT Relating to state taxes, fees, and other revenue; amending RCW 43.135.034, 43.135.041, and 43.135.055; adding new sections to chapter 43.135 RCW; creating new sections; and repealing RCW 43.135.035.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

INTENT

NEW SECTION. **Sec. 1.** This initiative should deter the governor and the legislature from sidestepping, suspending, or repealing any of Initiative 1053's policies which voters approved by a huge margin in 2010. The people insist that tax increases receive either two-thirds legislative approval or voter approval and fee increases receive 60% legislative approval. To get around I-1053's policies, the Legislature repeatedly raids dedicated accounts and dedicated funds, depleting them of revenue, necessitating revenue increases. The people want to put a stop to their bait-and-switch manipulation. This measure requires that revenue deposited in a dedicated account or fund must be exclusively dedicated and solely used for the statutory purpose for which the dedicated account or fund was created. These important policies ensure that taxpayers will be protected and that taking more of the people's money will always be an absolute last resort.

**PROTECTING TAXPAYERS BY REQUIRING EITHER TWO-THIRDS LEGISLATIVE
APPROVAL OR VOTER APPROVAL FOR THE LEGISLATURE TO RAISE TAXES**

Sec. 2. RCW 43.135.034 and 2011 c 1 s 2 are each amended to read as follows:

(1) (a) (~~((After July 1, 1995, a))~~) Any action or combination of actions by the legislature that raises taxes may be taken only if approved by (~~((at least))~~) a two-thirds (~~((legislative approval))~~) vote in both the house of representatives and the senate. Pursuant to the referendum power set forth in Article II, section 1(b) of the state Constitution, tax increases may be referred to the voters for their approval or rejection at an election.

(b) For the purposes of this chapter, "raises taxes" means any action or combination of actions by the state legislature that increases state tax revenue deposited in any fund, budget, or account, regardless of whether the revenues are deposited into the general fund.

(2) (a) If the legislative action under subsection (1) of this section will result in expenditures in excess of the state expenditure limit, then the action of the legislature shall not take effect until approved by a vote of the people at a November general election. The state expenditure limit committee shall adjust the state expenditure limit by the amount of additional revenue approved by the voters under this section. This adjustment shall not exceed the amount of revenue generated by the legislative action during the first full fiscal year in which it is in effect. The state expenditure limit shall be adjusted downward upon expiration or repeal of the legislative action.

(b) The ballot title for any vote of the people required under this section shall be substantially as follows:

"Shall taxes be imposed on in order to allow a spending increase above last year's authorized spending adjusted for personal income growth?"

(3) (a) The state expenditure limit may be exceeded upon declaration of an emergency for a period not to exceed twenty-four months by a law approved by a two-thirds vote of each house of the

legislature and signed by the governor. The law shall set forth the nature of the emergency, which is limited to natural disasters that require immediate government action to alleviate human suffering and provide humanitarian assistance. The state expenditure limit may be exceeded for no more than twenty-four months following the declaration of the emergency and only for the purposes contained in the emergency declaration.

(b) Additional taxes required for an emergency under this section may be imposed only until thirty days following the next general election, unless an extension is approved at that general election. The additional taxes shall expire upon expiration of the declaration of emergency. The legislature shall not impose additional taxes for emergency purposes under this subsection unless funds in the education construction fund have been exhausted.

(c) The state or any political subdivision of the state shall not impose any tax on intangible property listed in RCW 84.36.070 as that statute exists on January 1, 1993.

(4) If the cost of any state program or function is shifted from the state general fund to another source of funding, or if moneys are transferred from the state general fund to another fund or account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall lower the state expenditure limit to reflect the shift. For the purposes of this section, a transfer of money from the state general fund to another fund or account includes any state legislative action taken that has the effect of reducing revenues from a particular source, where such revenues would otherwise be deposited into the state general fund, while increasing the revenues from that particular source to another state or local government account. This subsection does not apply to: (a) The dedication or use of lottery revenues under RCW 67.70.240(3), in support of education or education expenditures; or (b) a transfer of moneys to, or an expenditure from, the budget stabilization account.

(5) If the cost of any state program or function and the ongoing revenue necessary to fund the program or function are shifted to the state general fund on or after January 1, 2007, the state expenditure

limit committee, acting pursuant to RCW 43.135.025(5), shall increase the state expenditure limit to reflect the shift unless the shifted revenue had previously been shifted from the general fund.

~~(6) For the purposes of chapter, "raises taxes" means any action or combination of actions by the legislature that increases state tax revenue deposited in any fund, budget, or account, regardless of whether the revenues are deposited into the general fund.~~

Sec. 3. RCW 43.135.041 and 2010 c 4 s 3 are each amended to read as follows:

(1) (a) After July 1, 2011, if legislative action raising taxes as defined by (~~(*RCW 43.135.035)~~) RCW 43.135.034 is blocked from a public vote or is not referred to the people by a referendum petition found to be sufficient under RCW 29A.72.250, a measure for an advisory vote of the people is required and shall be placed on the next general election ballot under this chapter(~~(1, Laws of 2008)~~) .

(b) If legislative action raising taxes enacted after July 1, 2011, involves more than one revenue source, each tax being increased shall be subject to a separate measure for an advisory vote of the people under the requirements of this chapter(~~(1, Laws of 2008)~~) .

(2) No later than the first of August, the attorney general will send written notice to the secretary of state of any tax increase that is subject to an advisory vote of the people, under the provisions and exceptions provided by this chapter(~~(1, Laws of 2008)~~) . Within five days of receiving such written notice from the attorney general, the secretary of state will assign a serial number for a measure for an advisory vote of the people and transmit one copy of the measure bearing its serial number to the attorney general as required by RCW 29A.72.040, for any tax increase identified by the attorney general as needing an advisory vote of the people for that year's general election ballot. Saturdays, Sundays, and legal holidays are not counted in calculating the time limits in this subsection.

(3) For the purposes of this section, "blocked from a public vote" includes adding an emergency clause to a bill increasing taxes, bonding or contractually obligating taxes, or otherwise preventing a referendum on a bill increasing taxes.

(4) If legislative action raising taxes is referred to the people by the legislature or is included in an initiative to the people found to be sufficient under RCW 29A.72.250, then the tax increase is exempt from an advisory vote of the people under this chapter (~~(1, Laws of 2008)~~).

Sec. 4. RCW 43.135.035 (Tax legislation--Referral to voters--Conditions and restrictions--Ballot Title--Declarations of emergency--Taxes on intangible property--Expenditure limit to reflect program cost shifting or fund transfer) and 2010 c 4 s 2 & 2009 c 479 s 36 are each repealed.

PROTECTING TAXPAYERS BY REQUIRING FEE INCREASES

RECEIVE 60% LEGISLATIVE APPROVAL

Sec. 5. RCW 43.135.055 and 2011 c 1 s 5 are each amended to read as follows:

(1) A fee may only imposed or increased in any fiscal year if approved with 60% majority legislative approval in both the house of representatives and the senate and must be subject to the accountability procedures required by RCW 43.135.031. A fee increase must be set by the legislature. Multiple fee increases may be in one bill if the fees have rational unity.

(2) This section does not apply to an assessment made by an agricultural commodity commission or board created by state statute or created under a marketing agreement or order under chapter 15.65 or 15.66 RCW, or to the forest products commission, if the assessment is approved by referendum in accordance with the provisions of the statutes creating the commission or board or chapter 15.65 or 15.66 RCW for approving such assessments.

PROTECTING TAXPAYERS BY REQUIRING THE LEGISLATURE

**TO DEDICATE THE REVENUE IN DEDICATED ACCOUNTS AND FUNDS FOR ITS
INTENDED STATUTORY PURPOSE**

NEW SECTION. **Sec. 6.** A new section is added to chapter 43.135 RCW to read as follows:

Revenue deposited in a dedicated account or fund must be exclusively dedicated and used solely for the statutory purpose for which the dedicated account or fund was created.

CONSTRUCTION CLAUSE

NEW SECTION. **Sec. 7.** The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

SEVERABILITY CLAUSE

NEW SECTION. **Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

MISCELLANEOUS

NEW SECTION. **Sec. 9.** This act shall be known and cited as Save The 2/3's Vote For Tax Increases Again Act.

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